

FORTY-EIGHTH DAY

(Tuesday, April 14, 1953)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Kazen	Rutherford
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

Absent—Excused

Hazlewood	Sadler
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A quorum was announced present.

The Invocation was offered by the Reverend W. H. Townsend, Chaplain, as follows:

Holy Father, in the turmoil of these times, we pray for wisdom and strength that we may be faithful to our task. Teach us the value of time. Yesterday is gone forever; we have no claims on tomorrow, and grant to us that we may work the works of those who sent while it is day, for the night cometh and no man can work. Hear our prayer for Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Sadler was granted leave of absence for today on account of important business on motion of Senator Moffett.

Senator Hazlewood was granted leave of absence for today on account of illness on motion of Senator Ashley.

Senate Bill 24 on Second Reading

Senator Aikin asked unanimous

consent to suspend the regular order of business to take up for consideration at this time S. B. No. 24.

There was objection.

Senator Aikin then moved to suspend the regular order of business to take up S. B. No. 24 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Colson	Rogers
Corbin	of Childress
Hardeman	Rogers of Travis
Kazen	Russell
Kelley	Rutherford
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Nays—3

Bracewell	Weinert
Fuller	

Absent

Phillips

Absent—Excused

Hazlewood	Sadler
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The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 24, A bill to be entitled "An Act to amend Subsection 1 of Section 1, Article IV, Chapter 334, Senate Bill 116 of the General Laws, Regular Session, 51st Legislature, 1949, providing a minimum salary schedule with increments for experience and college training; providing for the effective date of this Act; providing a saving clause; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following Committee Amendment to the bill:

Amend Senate Bill No. 24, Section 3, by changing the date 1952-53 to read 1953-54.

The Committee Amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend Senate Bill No. 24 by adding a new section to be known as Section 1 (a) to read as follows:

It is the intent of the Legislature in the enactment of this legislation to raise the salary of all school personnel authorized in the State's Minimum Foundation Program except superintendents, whose base pay shall remain the same, \$600 annually and no more. It is herewith provided that the base monthly salary of all such personnel authorized in the Minimum Foundation Program to be employed and to receive pay for 10, 11, or 12 months shall be computed after the effective date of this legislation to be such as will entitle them to receive \$600 and only \$600 annual increase over the salary authorized under the present Foundation Program as it obtains before the enactment of this legislation.

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 24 by striking out all of the "Whereas" clauses beginning on line 21 and extending through line 44.

**HARDEMAN
WILLIS**

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 24 by adding a new section to be known as "Section 1b" to read as follows:

"Section 1b. The provisions of this amendment (S. B. 24) to Subsection 1 of Section 1, Article IV, Chapter 334, Senate Bill 116 of the General Laws, Regular Session, 51st Legislature, 1949, shall expire on August 31, A. D. 1955, and shall be of no force and effect thereafter."

Question—Shall the amendment by Senator Hardeman to S. B. No. 24 be adopted?

Message from the House

Hall of the House of Representatives

Austin, Texas,
April 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 38, Relative to the 50th Muster of Students and Ex-Students of the A. & M. College on April 21, 1953.

April 13, 1953, the House has adopted the Conference Committee Report on House Bill No. 111 by a vote of 86 yeas, 55 nays, and one present not voting.

H. C. R. No. 61, Authorizing and instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 111.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives

Senate Resolution 223

Senator Kelley offered the following resolution:

Whereas, We are honored today to have in the gallery the 8th Grade of Sacred Heart School, Edinburg, Texas, and 8th Grade of Guadalupe Parish School, Mission, Texas, accompanied by Sister Mary Benedict and Sister Mary Theresita; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Kelley presented the students and the sponsors to the Members of the Senate.

Reports of Standing Committees

Senator Weinert submitted the following reports:

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 51, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 248, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendments and be printed.

WEINERT, Chairman

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 323, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 373, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 407, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 438, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 570, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 797, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WEINERT, Chairman.

Austin, Texas,
April 13, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 30, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that Committee Substitute attached hereto do pass in lieu thereof and be printed.

WEINERT, Chairman.

C. S. H. B. No. 30 was read first time.

Senate Resolution 224

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery the Lamar Junior

High Girl Scout Troop No. 10 consisting of 18 members, accompanied by Mrs. F. C. Griffin, leader; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore presented the Girl Scouts and Mrs. Griffin to the Members of the Senate.

House Concurrent Resolution 61 on Second Reading

On motion of Senator Lock and by unanimous consent, the President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 61—Authorizing and instructing the Enrolling Clerk of the House to make certain corrections in H. B. No. 111.

The resolution was read second time and was adopted.

Motion to Recess

Senator Aikin moved that at the conclusion of the Joint Session the Senate stand recessed until 2:00 o'clock p. m. today.

There was no objection offered.

Committee to Escort Guests to Joint Session for Pan-American Day Celebration

The President announced the following as a committee to escort the distinguished guests to the Joint Session in observance of Pan-American Day, pursuant to provisions of S. C. R. No. 32: Senators Kelley, Latimer, Hardeman, Kazen and Rutherford.

Joint Session

(For observance of Pan-American Day.)

The President at 11:00 o'clock a. m.

announced pursuant to the provisions of S. C. R. No. 32 the time had arrived for a Joint Session in observance of Pan-American Day.

Accordingly, the President and Senators present repaired to the Hall of the House of Representatives.

The Senators were announced at the Bar of the House and were admitted and escorted to seats already prepared for them along the aisle.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's stand.

The President called the Senate to order and announced a quorum of the Senate present.

The Speaker of the House announced the purpose of the Joint Session and requested the members of the House to register. A quorum of the House was announced present.

The distinguished guests were announced at the Bar of the House and were escorted to the Speaker's stand by Senators Kelley, Latimer, Hardeman, Kazen and Rutherford on the part of the Senate and Representatives Bell, Bates of Hidalgo, Allen, de la Garza and Glusing on the part of the House.

The Speaker presented Senator Kelley to the Joint Session. Senator Kelley introduced the Honorable Neveille Penrose, of Fort Worth, Chairman of the Good Neighbor Commission of Texas.

Mr. Penrose presented the following distinguished guests to the Joint Session:

Members of the Good Neighbor Commission:

Claude W. Meadows, Sr., San Angelo;

Tom Slick, San Antonio;

Hugh A. L. Halff, San Antonio;

George W. Strake, Houston;

Boyd Ryan (Rep. Dorrance Roderrick, El Paso, of Good Neighbor Commission).

Consuls of Latin-American Countries Stationed in Texas:

Alfonso Cortina, Mexican Embassy, Washington, D. C.;

Ruben Riestra E., Consul of Mexico in San Antonio (representing Consulate General of San Antonio);

Juan Antonio Merigo, Consul of Mexico in Austin (representing Secretary of Foreign Relations in Washington);

Gonzalo Gonzalez, Consul of Chile in Houston;

Jose Trabanino, Jr., Consul of El Salvador in Houston;

Luis Rodriguez, Consul of Paraguay in Houston;

Carl G. Stearns, Consul of Costa Rica, in Houston, and wife;

Luis Restrepo-Osorio, Consul of Colombia in Houston;

T. L. Evans, Consul of Dominican Republic in Houston, and wife;

Jorge Luis Perez, Consul of Ecuador in Houston;

Mrs. M. M. Prats, Consul of Guatemala in Houston (and Mr. Prats);

Horacio Sosa, Jr., Consul of Panama in Houston;

Carlos A. Pezet, Consul General of Peru in Houston (Dean of Houston Consular Corps);

Miss Violeta Jove, Consul of Venezuela in Galveston;

Rafael R. Davila, Consul of Venezuela in Houston, and wife;

Milton Faria, Consul of Brazil in Houston (representing Walther Moreira Salles, Brazilian Ambassador in Washington);

Richard Schmiegelow, Consul of Argentina in Houston;

Max Pablo Ynsfran, Consul of Paraguay in Austin;

Mrs. Maria Gummardo, representative of Dominican Republic;

Mrs. Preston Dial, San Antonio (Honorary Consul of Panama);

Manuel C. Gonzalez, attorney at law, San Antonio;

Mrs. W. N. Hooper, Immediate Past State Director, Pan American Round Tables of Texas, of Houston;

Mrs. D'Arcy M. Cashin, Director, Nat'l Committee of Pan American Round Tables of U. S., of Houston;

Mrs. Charles Wilson Hackett, wife of the late Dr. C. W. Hackett of the University of Texas, Austin;

Dr. Carlos E. Castaneda and wife, Austin;

Mrs. Georgie Burden, Tampico, Mexico;

Mr. and Mrs. James Bradbury, Houston, Texas;

Cleofas Calleros, Mexican Border Representative, National Catholic Welfare Conference, El Paso, Texas;

Lon L. Nusom, Manager, World Affairs Department, San Antonio Chamber of Commerce;

Frank Pinedo, Attorney at Law, Austin, State President of LULACS;

Dr. Lewis I. Hanke, Director, Institute Latin American Studies, University of Texas;

Mrs. O. H. Davenport, Austin, Honorary Member of the Good Neighbor Commission from Nicaragua, now living in Austin;

Father Erwin Juraschek, Bishop's Council for the Spanish-speaking, St. Edward's University;

John J. Herrera, National President of LULAC, Houston;

Ed Idar, Jr., State Director of American GI Forum, Austin;

Dr. George I. Sanchez, Department of Education and Philosophy of Education, University of Texas;

William Prescott Allen, Publisher, Laredo TIMES, Laredo, Texas;

Mr. Curtis Hancock, honorary member of Good Neighbor Commission, first chairman Hy Commission;

Mr. Frank Stewart, of KTXN, the Spanish-language Station in Austin;

Frank Kelly, Colorado City;

Mrs. Jagoda, Corresponding Secretary Pan American Round Table;

Mrs. Pumphrey, new State Director, Pan American Round Table;

George Garza, attorney, Austin;

Jacob Rodriguez, Pan American Representative, Chamber of Commerce in San Antonio;

Carlos Pantiagua, cellist, exchange student at University of Texas, from Guatemala, played the "Prelude" from Bach.

Mr. Penrose then presented the Honorable Carlos Castenada, professor of Latin American History at the University of Texas, historian and scholar, who addressed the Joint Session.

At the conclusion of the address the President pro tempore announced the purpose of the Joint Session concluded and the Senate would stand recessed pursuant to the motion previously adopted in the Senate.

Recess

At 12:10 o'clock p. m. the Senate, pursuant to motion previously adopted, took recess until 2:00 o'clock p. m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p. m. today.

Senate Bill 24 on Second Reading

The Senate resumed consideration of pending business, same being S. B.

No. 24 on its second reading and passage to engrossment, with an amendment by Senator Hardeman pending.

Question—Shall the amendment by Senator Hardeman to S. B. No. 24 be adopted?

Senator Aikin moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—19

Aikin	Moore
Colson	Parkhouse
Corbin	Phillips
Kazen	Rogers
Kelley	of Childress
Lane	Rogers of Travis
Latimer	Russell
Lock	Strauss
McDonald	Wagonseller
Moffett	Willis

Nays—10

Ashley	Martin
Bell	Rutherford
Bracewell	Secrest
Fuller	Shireman
Hardeman	Weinert

Absent—Excused

Hazlewood	Sadler
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Senator Ashley offered the following amendment to the bill:

Amend S. B. 24 by striking out all of Section 1 and inserting in lieu thereof the following:

"Section 1. Section 1 of Article IV of Senate Bill 116, Chapter 334, Acts Regular Session, 51st Legislature, be and the same is amended hereby by the addition of a new subsection there-to numbered and reading as follows: '1½. To the minimum base pay provided for classroom teachers in paragraphs a, b, c, d and e of subdivision 1 of this section 1, there shall be added the sum of \$66.67 per month for nine months, or if the length of the school term is less than nine months then for the number of months in the term. Such additional \$66.67 per month shall not be considered in determining the minimum base pay or compensation to be paid persons whose minimum base pay or compensation is provided for in subdivisions 3, 5 and 7 of this section 1; and such minimum base pay or compensation provided in such subdivisions 3, 5 and 7 shall remain the

same and shall not be increased or enlarged by this subdivision 1½; and this subdivision 1½ shall be construed to apply to classroom teachers, vocational teachers, teachers of exceptional children, and principals only, and shall not in any manner apply to or affect the minimum base pay or any compensation whatsoever paid to persons provided for in subdivisions 3, 5 and 7 of this section 1'."

Senator Aikin moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—20

Aikin	Parkhouse
Bell	Phillips
Colson	Rogers
Corbin	of Childress
Kazen	Russell
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
McDonald	Willis
Moore	

Nays—10

Ashley	Martin
Bracewell	Moffett
Fuller	Rogers of Travis
Hardeman	Rutherford
Hazlewood	Weinert

Absent—Excused

Sadler

Senator Bracewell offered the following amendment to the bill:

Amend Senate Bill No. 24 by adding a new section to be designated Section 3A to read as follows:

Section 3A. The sum of the amounts to be charged annually against the local school districts of the State toward the support of the increase in the Foundation School Program as provided in this Act shall be twenty (20%) per cent of the estimated total cost of financing the increase in the Foundation School Program as provided in this Act.

Senator Aikin raised a point of order against the amendment on the ground that it was not germane to the bill.

The President overruled the point of order.

Senator Aikin moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—26

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Russell
Kelley	Rutherford
Lane	Secrest
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Nays—4

Bracewell	Shireman
Hazlewood	Weinert

Absent—Excused

Sadler

The bill, as amended, was passed to engrossment.

Senate Bill 24 on Third Reading

Senator Aikin moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Colson	Phillips
Corbin	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Hazlewood	Russell
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Nays—2

Bracewell	Rutherford
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Absent—Excused

Sadler

The President then laid the bill be-

fore the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reason for Vote on Senate Bill 24

I voted against bringing up for consideration Senate Bill 24 at this time for the following reasons:

(1) There is no money on hand in the State Treasury to pay the \$33,000,000 which will be required to make the appropriation necessitated by this bill, nor will there be any money in the State Treasury until the House of Representatives passes a tax bill. Thus, it is the height of demagoguery to pass such a bill at this time, and it is misleading to the classroom teachers of Texas. To thrust upon the House of Representatives this bill before the Committee on Revenue and Taxation has had opportunity to sanely and sensibly consider means of raising the revenue, is to encourage through pressure politics the passage of a general sales tax on the people of Texas. I am unalterably opposed to a general sales tax.

(2) The teachers of Texas are under the impression that this will mean a blanket \$600 raise to them. They have been misled for this bill makes no such provision, and will not have that result.

(3) Senate Bill 24 makes no provision for any of the increased costs to be borne by the local districts. This fact establishes a pattern that the State of Texas, out of the General Revenue Fund, will be responsible for all future increases in teachers' salaries. It will stifle initiative on the part of local school districts to make adjustments in teachers' salaries and other school improvements on a local level, and will encourage the utilization of pressure politics on future legislatures. Thus, the problem of teachers' salaries will become as has the question of old age pensions, a plaything of demagogues in the future politics of this State.

I am not opposed to a raise in schoolteachers' salaries, nor am I opposed to the basic provisions of Senate Bill 24. On the contrary, I strongly favor an increase in school teachers' salaries, and have consistently voted for such measure in the past. But, I am not in favor of taking this bill up at the present time until satisfactory means have been worked out to provide the money for

making this appropriation, believing that the logical and sensible way to provide increased teachers' salaries on a sound economical basis is to give thought and consideration to the ways of raising the revenue before incurring a \$33,000,000 obligation and thereby encourage the members of the House of Representatives to pass an ill-advised tax bill.

SEARCY BRACEWELL

Reason for Vote on Senate Bill 24

According to Rule 53 of the Senate Rules, I wish to make the following statement to be recorded in the Senate Journal as reasons for my vote this date against suspending the rules to bring up Senate Bill No. 24 out of its regular order, and also for any vote for amendments offered to exclude supervisory personnel, superintendents or special service personnel that are not actually classroom teachers from coming under the provisions of this bill.

On this date the President of the Senate recognized Senator Aikin, author of S. B. No. 24, to take up for consideration this bill immediately after the opening prayer. The morning call which by all rules of the Constitution, the House and the Senate had not been made; therefore, it was not in order to take up this bill at that time.

Further, this bill, as offered, provides for an appropriation of at least thirty-three million dollars per year, or a total of sixty-six million dollars for the biennium. According to the requirements of a Constitutional amendment, recently passed by the people of Texas, and the rules of both the Senate and the House of Representatives, no appropriation bill can be taken up without a request by public message of the Governor under an emergency clause until the general appropriation bill for the biennium has passed both Houses and has been certified to by the Comptroller of the State. I know and the other members of this Senate know that this bill had not even been signed by the Governor at the time this measure was taken up, much less been certified to by the Comptroller.

Further, I have promised the school-*teachers in my district* that I would vote for a bill to raise the classroom teachers *only*. I have been led to believe that this bill only applied to classroom teachers. Therefore, I am

going to vote for any amendment offered that will limit this bill to the classroom teachers. The bill on its face provides for classroom teachers only—it does not mention any other classification. I, as a member of the Education Committee, voted for this bill at the time of the hearing in the Committee, because I was led to believe it applied only to classroom teachers. Regardless of whether or not the amendments are adopted to eliminate any other personnel other than classroom teachers, I will vote for the final passage of this bill only because of my promise to the school-*teachers of my district*. I would not vote for it if it were not for this promise because of being misled completely as to the actual provisions of this bill that tie in with the Gilmer-Aikin program that was passed before I became a member of the Senate.

JEP S. FULLER.

Reports of Standing Committees

By unanimous consent, Senator Lane submitted the following reports:

Austin, Texas,
April 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 247, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
April 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 88, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
April 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 221, have had the same under consideration, and we are in-

structed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

By unanimous consent, Senator Moore submitted the following report:

Austin, Texas,
April 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 364, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman

By unanimous consent, Senator Bell submitted the following report:

Austin, Texas,
April 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred S. J. R. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Bills and Resolution Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolution:

H. B. No. 126, A bill to be entitled "An Act amending Article 2226, Revised Civil Statutes of Texas, as amended by Acts 1949, 51st Leg., p. 915, Ch. 494, Sec. 1, enlarging the scope of present Article 2226 so as to include suits on sworn account; and declaring an emergency."

H. B. No. 134, A bill to be entitled "An Act to amend Section 1, Chapter 126, page 214, Acts of the 52nd Legislature, Regular Session, 1951, so as to provide that any corporation organized under the provisions of Chapter 77, Acts of the Thirty-ninth Legislature, Regular Session, 1925, as amended by the Forty-first Legislature, and the Forty-ninth Legislature, may make provisions for employees to purchase or take option to purchase shares of stock issued

or unissued of such corporation, and/or of any such parent or subsidiary corporation at a price or prices equal to or less than the market value thereof at the time of such sale or the granting of such option, or the making of such allotment, as the case may be; providing the manner in which the option to purchase unissued shares shall be authorized; setting forth the rights of employee shareholders with reference to issued and unissued shares, and defining the term 'issued shares' and the term 'unissued shares'; providing that such allotment, sale and option of such shares shall be upon such terms and restrictions as its Board of Directors may prescribe; and declaring an emergency."

H. B. No. 352, A bill to be entitled "An Act making it unlawful to shoot, fire or discharge any rifle or pistol in, on, over, above, across or along the waters of Lake Nasworthy or any part thereof, or in, on, over, above, across or along the waters of the North Concho Lake, or any part thereof, both lakes being located in Tom Green County, Texas; describing said lakes; prescribing a penalty; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 363, A bill to be entitled "An Act quitclaiming the title of the State of Texas to Lot One (1), Block Twenty-eight (28), Averill Addition to the City of Beaumont, Jefferson County, Texas, to the widow of R. W. Pipkin, deceased, Mrs. Bess Chance Benckenstein; and declaring an emergency."

H. B. No. 503, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in Dallas County by authorizing the County to issue certificates of indebtedness for the purpose of acquiring right of way for designated State Highways or Federal Highways when the acquisition of such right of way is approved by the State Highway Commission; requiring the levy of a tax to pay such certificates and the interest thereon; requiring such certificates to be approved by the Attorney General and registered by the Comptroller of Public Accounts and prescribing the effect thereof; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 512, A bill to be entitled

"An Act to separate and identify the separate positions held by members of the Boards of Trustees of independent school districts created by General Law in counties having a population of 800,000 or more according to the last preceding Federal Census, and declaring an emergency."

H. C. R. No. 61, Instructing Enrolling Clerk to make certain corrections in H. B. No. 111.

Senate Resolution 225

Senator Rogers of Childress offered the following resolution:

Whereas, We are honored to have in the Capitol today Messrs. I. B. Holt (former member of the House of Representatives), Truitt Sides, E. C. Jones, and Carl Macon, all of Olton, Texas; and

Whereas, These gentlemen are well known in the Panhandle-South Plains area as outstanding citizens of our State; and

Whereas, These gentlemen have traveled far to observe the governmental processes of our Texas Legislature; now, therefore, be it

Resolved, That these citizens be officially welcomed by the Senate of Texas, be commended for their good citizenship and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Rogers of Childress presented the guests to the Members of the Senate.

Senate Bill 184 on Second Reading

Senator Latimer moved to suspend the regular order of business to take up for consideration at this time on its second reading and passage to engrossment S. B. No. 184.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hardeman
Ashley	Hazlewood
Bell	Kazen
Bracewell	Kelley
Colson	Lane
Corbin	Latimer
Fuller	Lock

Martin	Russell
Moffett	Rutherford
Moore	Secrest
Parkhouse	Shireman
Phillips	Strauss
Rogers	Wagonseller
of Childress	Weinert
Rogers of Travis	Willis

Nays—1

McDonald

Absent—Excused

Sadler

The President laid before the Senate for consideration at this time the following bill:

S. B. No. 184, A bill to be entitled "An Act to amend Article 2326, Revised Civil Statutes, 1925, as amended by Acts 1945, 49th Legislature, page 460, Chapter 291, and Acts 1949, 51st Legislature, page 820, Chapter 440; fixing the salaries of official shorthand reporters of each Judicial District Court, civil or criminal, and the official shorthand reporters of each County Court at Law, civil or criminal; etc., and declaring an emergency."

The bill was read second time.

Senator Latimer offered the following committee amendment to the bill:

Amend S. B. No. 184 by striking out the words and figures Forty-two Hundred (\$4,200.00) Dollars wherever they appear in the bill and by inserting in lieu thereof the words and figures Twenty-seven Hundred and Fifty (\$2,750.00) Dollars.

The committee amendment was adopted.

Senator Latimer offered the following committee amendment to the bill:

Amend the caption of S. B. No. 184 by striking out the words and figures Forty-two Hundred (\$4,200.00) Dollars and inserting in lieu thereof the words and figures Twenty-seven Hundred and Fifty (\$2,750.00) Dollars.

The committee amendment was adopted.

Senator McDonald offered the following amendment to the bill:

Amend S. B. No. 184, as printed, line 62, by striking out the words and

figure "Sixty-six Hundred (\$6,600.00) Dollars" and substituting in lieu thereof, the words and figures, Fifty-five Hundred (\$5,500.00) Dollars.

Senator Wagonseller moved to table the amendment.

(Senator Moffett in Chair.)

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hazlewood	Rutherford
Kelley	Secrest
Latimer	Shireman
Lock	Wagonseller
Moore	Willis

Nays—10

Aikin	Martin
Colson	McDonald
Hardeman	Moffett
Kazen	Russell
Lane	Strauss

Absent

Weinert

Absent—Excused

Sadler

Senator McDonald offered the following amendment to the bill:

Amend S. B. 184, as printed, page 2, line 1, by inserting after the comma following the word "criminal," the following, "and the Commissioners Courts of said counties."

On motion of Senator Latimer the amendment was tabled by the following vote:

Yeas—16

Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Corbin	Rogers of Travis
Hazlewood	Secrest
Kazen	Shireman
Kelley	Strauss
Latimer	Wagonseller

Nays—13

Aikin	Colson
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Fuller	Moffett
Hardeman	Rogers
Lane	of Childress
Lock	Russell
Martin	Rutherford
McDonald	Willis

Absent

Weinert

Absent—Excused

Sadler

Senator Willis offered the following amendment to the bill:

Amend Section 1 of Senate Bill No. 184 by striking out the words "Three Hundred Sixty Thousand (360,000)" in said section and inserting in lieu thereof the following words: Four Hundred Thousand (400,000).

The amendment was adopted.

On motion of Senator Latimer, and by unanimous consent of the Senate, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 184 on Third Reading

Senator Latimer moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 184 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers of Travis
Corbin	Russell
Fuller	Rutherford
Hazlewood	Shireman
Kazen	Strauss
Kelley	Wagonseller
Latimer	Weinert
Lock	Willis
Martin	

Nays—3

Hardeman	McDonald
Lane	

Absent

Rogers	Secrest
of Childress	

Absent—Excused

Sadler

The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senators Hardeman and Aikin asked to be recorded as voting "nay" on final passage of S. B. No. 184.

Senate Bill 124 on Second Reading

On motion of Senator Fuller and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 124, A bill to be entitled "An Act amending Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 of House Bill 603, Chapter 500, Acts, Fifty-second Legislature, Regular Session, 1951, so as to provide for coverage of certain officers and employees of political subdivisions of the State under the old-age and survivors insurance provisions of the Federal Social Security Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 124 on Third Reading

Senator Fuller moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 124 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Sadler

The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Moffett
Ashley	Moore
Bell	Parkhouse
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Sadler

(President in the Chair)

Committee Substitute

Senate Bill 148 on Second Reading

On motion of Senator Strauss and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B No. 148, A bill to be entitled "An Act providing that each valid and subsisting mineral lease heretofore issued by the Commissioner of the General Land Office of Texas covering rivers, channels, unsold school lands, both surveyed and unsurveyed, or any area within tidewater limits, including islands, lakes, salt water lakes, bays, inlets, marshes, the bed of the sea, and that portion of the Gulf of Mexico now or hereafter within the jurisdiction of Texas, shall be amended by the Commissioner by instrument in writing, upon application of the lessee, to provide, and that each such lease issued hereafter shall provide, that in the event production of oil or gas shall cease from any cause, such lease shall not terminate if additional drilling or re-

working operations are conducted; etc., and declaring an emergency."

The bill was read second time.

Senator Strauss offered the following Committee Amendment to the bill:

Amend Committee Substitute for S. B. No. 148 by adding the following sentence at the end of Section 1:

"If at the expiration of the primary term oil, gas or other mineral is not being produced on said land but lessee is then engaged in drilling or reworking operations thereon, the lease shall remain in force so long as operations are prosecuted with no cessation of more than thirty (30) consecutive days, and if they result in the production of oil, gas or other mineral so long thereafter as oil, gas or other mineral is produced from said land."

Senator Strauss offered the following substitute for the Committee Amendment:

Amend Committee Substitute for Senate Bill 148 by adding after Section 1 thereof, a new section to be known as Section 1-A and reading as follows:

If, at the expiration of the primary term of any oil or gas lease hereafter issued by the Commissioner of the General Land Office covering areas described in Section 1 hereof, production of oil or gas has not been obtained on the leased premises but drilling operations are being conducted thereon in good faith and in good and workmanlike manner, the lessee may, on or before the expiration of the primary term, file in the General Land Office written application to the Commissioner of the General Land Office for a thirty-day extension of such lease, accompanied by payment of \$3,000.00 for six hundred forty (640) acres or less, and \$6,000.00 for more than six hundred forty (640) acres, and the Commissioner shall, in writing, extend such lease for a thirty-day period from and after the expiration of the primary term and so long thereafter as oil or gas is produced in paying quantities; provided further, that lessee may, so long as such drilling operations are being conducted, make like application and payment during any thirty-day extended period for an additional extension of thirty (30) days and, upon

receipt of such application and payment, the Commissioner shall, in writing, again extend the lease so that same shall remain in force for such additional thirty-day period and so long thereafter as oil or gas is produced in paying quantities; provided, however, that no lease shall be extended under the provisions of this section for more than a total of one hundred eighty (180) days from and after the expiration of the primary term unless production in paying quantities has been obtained.

The substitute for the committee amendment was adopted.

The committee amendment, as substituted, was then adopted.

On motion of Senator Strauss and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Committee Substitute Senate Bill 148 on Third Reading

Senator Strauss moved that the Constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 148 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis

Absent

Parkhouse

Absent—Excused

Sadler

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bracewell	Phillips
Colson	Rogers
Corbin	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagon seller
Lock	Weinert
Martin	Willis

Absent

Parkhouse

Absent—Excused

Sadler

Committee Substitute
Senate Bill 95 on Second Reading

On motion of Senator Lock, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. No. 95, A bill to be entitled "An Act making an appropriation to pay judgments against the State of Texas; and declaring an emergency."

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. 95 by striking out the word "both" in line 30 of Section 1, and inserting in lieu thereof the words: "and the sum of \$42,040.00 to pay the final judgment obtained in Cause 90,311 styled Southwestern Bell Telephone Company vs. the State of Texas, all" and by adding between lines 45 and 46 the following: "Southwestern Bell Telephone Company \$42,040.00" and by amending the caption to conform.

The amendment was adopted.

The bill, as amended, was passed to engrossment.

Committee Substitute
Senate Bill 95 on Third Reading

Senator Lock moved that the Con-

stitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 95 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	McDonald
Ashley	Moffett
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Secrest
Kazen	Shireman
Kelley	Strauss
Lane	Wagon seller
Latimer	Weinert
Lock	Willis
Martin	

Absent

Moore

Parkhouse

Absent—Excused

Sadler

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	McDonald
Ashley	Moffett
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Corbin	Rogers of Travis
Fuller	Russell
Hardeman	Rutherford
Hazlewood	Secrest
Kazen	Shireman
Kelley	Strauss
Lane	Wagon seller
Latimer	Weinert
Lock	Willis
Martin	

Absent

Moore

Parkhouse

Absent—Excused

Sadler

Senate Bill 269 on Second Reading

Senator McDonald asked unanimous

consent to suspend the regular order of business to take up for consideration at this time S. B. No. 269.

There was objection.

Senator McDonald then moved to suspend the regular order of business to take up S. B. No. 269.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Colson	Moore
Corbin	Parkhouse
Fuller	Phillips
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Russell
Lane	Secrest
Latimer	Strauss
Lock	Wagonseller

Nays—4

Bracewell	Shireman
Rutherford	Willis

Absent

Weinert

Absent—Excused

Sadler

The President laid before the Senate for consideration at this time on its second reading and passage to engrossment the following bill:

S. B. No. 269, A bill to be entitled "An Act to authorize the propagation of quail for commercial food purposes; etc.; and declaring an emergency."

The bill was read second time.

Senator McDonald offered the following amendment to the bill:

Amend S. B. No. 269 by substituting for the words, "domestic wild quail" or "domesticated wild quail" wherever they appear in the bill the words, "pen-raised quail."

Question—Shall the amendment by Senator McDonald to S. B. No. 269 be adopted?

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 14, 1953.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 46, Granting J. W. Luttet and/or Shell Oil Company permission to sue the State of Texas.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

**House Bills and Resolution
on First Reading**

The following bills and resolution received from the House were read the first time and were referred to the committees indicated:

H. B. No. 433, To the Committee on State Affairs.

H. B. No. 70, To the Committee on State Affairs.

H. B. No. 474, To the Committee on Insurance.

H. B. No. 846, To the Committee on Finance.

H. C. R. No. 46, To the Committee on Civil Jurisprudence.

Senate Bills Referred

The following Senate bills which were introduced and read first time on April 8, 1953, and April 9, 1953, were referred to the committee indicated:

S. B. No. 311, To the Committee on Civil Jurisprudence.

S. B. No. 312, To the Committee on Water Rights, Irrigation and Drainage.

S. B. No. 313, To the Committee on State Affairs.

Adjournment

On motion of Senator Hardeman, the Senate at 4:52 o'clock p. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Mr. Edwin B. Barnes

Senator Rogers of Travis offered the following resolution:

(Senate Resolution 226)

Whereas, With deep sorrow the Senate learns of the death of an outstanding citizen and former public servant of Texas, Mr. Edwin B. Barnes, who died Saturday, April the 11th in Austin, Texas; and

Whereas, Edwin Barnes came to Texas at an early age from Tennessee, taught in the public schools of this State and later published a newspaper in Snyder; and

Whereas, This fine gentleman always took an active part in the civic and political affairs of his home town, county, and State, was a school board member for a number of years, and was Postmaster during the terms of President Woodrow Wilson. He was also during his illustrious and devoted career Secretary to the Industrial Accident Board and Chief Clerk of the State Treasury; and

Whereas, Edwin B. Barnes, an active York Rite Mason and a life-time member of the Christian Church, was a brother-in-law to our distinguished colleague, the Honorable Senator George Parkhouse of Dallas; now, therefore, be it

Resolved, That a page of the Senate Journal of today be dedicated to the memory of Edwin B. Barnes, and that when this Senate adjourns today it do so in solemn tribute to his name.

ROGERS of Travis

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Parkhouse, Phillips, Rogers of Childress, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Rogers of Travis, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.